



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5467 of 2021

1.Rasu

2.Nehru

3.Adaikalaraj

4.Sesu

... Petitioners/Accused Nos.1 to 4

Vs

The State
The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District
Cr No. 108/2021.

... Respondent/Complainant

For Petitioners : M/s.Muralaikumar.A.,
Advocate.

For Respondent : Mrs.R.Anandhadevi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

C-38AB. For Anticipatory Bail in Crime No. 108t of 2021
on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(h), 323, & 353 IPC in Crime No.108 of 2021, seek anticipatory
bail.



2.The case of the prosecution is that the defacto complainant is the Driver of the Government bus. The petitioners stopped the bus in a drunken mode and attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the defacto complainant did not stop the bus in a particular bus stop and therefore, there was dispute and the same was exaggerated by the defacto complainant.

4.The learned Government Advocate(Crl.side) submitted that the injured person has been discharged from the hospital.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.side) appearing for the respondent.

6.It is seen from the submissions made that the defacto complainant is a Driver of the Government bus. The petitioners are said to have stopped the bus in a drunken mode and attacked the defacto complainant. It is also seen that the injured person has been discharged from the hospital. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, Sivagangai District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent



police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

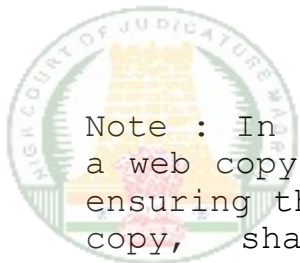
[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/04/2021

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

- 1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.
- 2 DO THROUGU THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5467 of 2021
Date :17/04/2021

GNS
CSL/27.04.2021 : 4P/5C